

*Amendment Dated 2/23/2006  
Reply to Office Action of 11/23/2005*

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Remarks/Arguments

Claims 1-5 and 7-17 are pending in the application. Claims 1, 3, 5, 7, 8, and 15 are currently amended and claim 2 is canceled.

The Examiner rejected claims 2-4, 5, and 15 under 35 USC 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which the applicant regards as the invention.

The grounds for the rejection were that (1) claim 15 was unclear for reciting "envelope" since claim 1 recites an "envelope", (2) claim 2 appears to claim the same feature as claim 1, and (3) in claim 15, the phrase "point is arranged beneath the inlet of the picking gap" is unclear since "the inlet is not defined as a horizontal plane".

Responsive to these rejections, claim 2 has been canceled and claim 15 amended to clarify what "envelope" means. The claims have also been amended to make it clear that the "inlet" of the gap is actually a portion of the gap itself. In this case, the inlet portion of the gap is that portion of the gap into which the plant matter is "let in", i.e. the upstream portion or the entrance portion of the gap. Support for this amendment can be found in the FIGURES and the specification, particularly in FIGURE 1, which shows the lateral position of the points of the picking rolls with respect to the inlet of the gap, in FIGURE 2 which shows both the side-to-side position of the points of the picking rolls with respect to the inlet portion of the picking gap, and in FIGURE 3 which shows the fore-and-aft and vertical position of the points of the picking roll with respect to the inlet portion of the picking gap.

We do not understand why a "horizontal plane" is required. We have searched the various definitions of "beneath", as well as "below" and "underneath" and cannot find "horizontal plane" in any dictionary. Surely something can be "beneath" a sphere and a sphere defines no horizontal plane.

Nonetheless, while the picking gap is not perfectly horizontal, it does extend in a generally horizontal direction overall, as best shown in FIGURES 2 and 3".

The Examiner rejected claims 1-5, and 7-17 under 35 USC 102(b) as being unpatentable over Rauch (USPN 6119443).

Rauch does not disclose a "picking gap ... having a first side and a second side opposite the first side", a "gathering element [] mounted for rotation on the

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**first side" and a "conveying element is mounted for rotation on the second side."**

In contrast, Rauch includes several picking assemblies, each of which comprising two rotating elements 1 and 5 on the same side (the left side, in FIGURE 2) of a narrow channel that guides the crop plants toward the rolls. Rauch shows his two rotary elements (either the leftmost items 1 and 5, or the middle items 1 and 5) mounted for rotation on the same side of the picking gap (i.e. the left side of the leftmost picking gap or the left side of the middle picking gap, respectively), as illustrated in FIGURE 2 of Rauch.

The Examiner rejected claims 1-5, and 7-8, 10, 12, and 15 under 35 USC 102(b) as being unpatentable over Wolters et al. (US 2001/0003237 A1).

The Applicants respectfully traverse the Examiner's rejection of the claims. Wolters does not disclose a "picking gap ... having a first side and a second side opposite the first side", a "gathering element [] mounted for rotation on the first side" and a "conveying element is mounted for rotation on the second side."

Looking straight down on the Wolters device as shown in FIGURE 1, both item 14 and item 16 seem to be mounted for rotation about a common axis and appear to be both mounted on the same side of the gap: the right side, as it appears in FIGURE 1.

The Examiner rejected claims 9, 11, 13 and 14 under 35 U.S.C. 103(a) as being unpatentable over Wolters et al. (US 2001/0003237 A1). This rejection is respectfully traversed for the same reasons applied to the 102 Wolters rejection above.

For at least the above reasons we respectfully request that the Examiner withdraw his rejection of the claims.

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In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525.

Respectfully,

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